

Nos. 16-56057 & 16-56287

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

**MICHAEL SKIDMORE,
AS TRUSTEE FOR THE RANDY CRAIG WOLFE TRUST
PLAINTIFF, APPELLANT AND APPELLEE**

vs.

**LED ZEPPELIN, ET AL.
DEFENDANTS AND APPELLEES
AND
WARNER/CHAPPELL MUSIC, INC.,
DEFENDANT, APPELLEE AND APPELLANT**

APPEALS FROM THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
HON. R. GARY KLAUSNER, DISTRICT JUDGE, CASE NO.15-cv-03462 RGK (AGRx)

**UNOPPOSED MOTION TO EXTEND TIME TO FILE PETITION
FOR PANEL REHEARING AND REHEARING EN BANC;
DECLARATION IN SUPPORT**

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UNOPPOSED MOTION FOR EXTENSION OF TIME
TO PETITION FOR REHEARING EN BANC

Pursuant to this Court’s Rule 31-2.2(b), defendants and appellees James Patrick Page, Robert Anthony Plant, Atlantic Recording Corporation and Rhino Entertainment Company, and defendant, appellee and appellant Warner/Chappell Music, Inc. (collectively, “Defendants”), respectively move for an extension of fourteen days to file a petition for rehearing, from October 12, 2018, to and including October 26, 2018.

Counsel for plaintiff, appellant and appellee Michael Skidmore have advised that they do not oppose Defendants’ motion and also will be moving for a fourteen-day extension of time to file a petition for rehearing, which Defendants do not oppose.

Defendants’ request is made for good cause. The panel decision filed September 28, 2018 vacates a judgment after jury trial in Defendants’ favor, and implicates important issues under this Nation’s and Circuit’s copyright law, including the extent of protection afforded by copyright. To determine their response to the September 28, 2018 panel decision, Defendants’ counsel must consult with multiple parties and there is insufficient time to complete that process and prepare a petition for rehearing unless the time to file a petition is extended. In

addition, Defendants' lead counsel is actively involved in other matters, including preparation of an answering brief in another case pending before this Court, and at the same time is in the process of moving his offices of over twenty-two years. *See* attached Declaration of Peter J. Anderson.

Accordingly, Defendants respectfully request that the Court extend by fourteen days the time for them to file a petition for rehearing.

Respectfully submitted,

Dated: October 3, 2018

/s/ Peter J. Anderson
Peter J. Anderson, Esq.
Law Offices of Peter J. Anderson
A Professional Corporation
Attorney for Defendants and Appellees
JAMES PATRICK PAGE,
ROBERT ANTHONY PLANT,
JOHN PAUL JONES,
ATLANTIC RECORDING CORPORATION,
RHINO ENTERTAINMENT COMPANY,
SUPER HYPE PUBLISHING, INC., and
WARNER MUSIC GROUP CORP.
and
Defendant, Appellee and Appellant
WARNER/CHAPPELL MUSIC, INC.

Helene M. Freeman, Esq.
PHILLIPS NIZER LLP
Attorney for Defendants-Appellees
JAMES PATRICK PAGE,
ROBERT ANTHONY PLANT
and JOHN PAUL JONES

DECLARATION OF PETER J. ANDERSON

I, Peter J. Anderson, declare and state:

1. I am an attorney admitted to practice before this Court and all Courts of the State of California. I have personal knowledge of the following facts and I could competently testify to these facts if called upon to do so.

2. I represent defendants and appellees James Patrick Page, Robert Anthony Plant, Atlantic Recording Corporation and Rhino Entertainment Company, and Warner Music Group Corp., and defendant, appellee and appellant Warner/Chappell Music, Inc. (collectively, “Defendants”), as well as defendants and appellees John Paul Jones, Super Hype Publishing, Inc., and Warner Music Group Corp., who are referred to in the Court’s September 28, 2018 opinion as the “summary judgment defendants” and as to whom this Court’s September 28, 2018 decision affirmed the amended judgment below.

3. This Declaration is submitted in support of Defendants’ unopposed motion for an extension of fourteen days for Defendants to file a petition for rehearing.

4. I am lead counsel for all Defendants and sole counsel for the corporate defendants in this appeal.

5. Because the Court's decision was filed September 28, 2018, the time for Defendants to file a petition for rehearing expires October 12, 2018. However, in order to determine whether to file a petition for rehearing and, if so, the issues to raise, I must consult with multiple parties. In addition, my co-counsel representing the individual defendants in this appeal, Ms. Freeman, has advised me that due to prior commitments she will be out of her offices the remainder of this week and until Monday. There is insufficient time before October 12, 2018, to complete, in an orderly and professional manner, the process of consulting with multiple parties and with co-counsel, and then prepare a petition for rehearing, obtain comments to the petition and revise and finalize it so that the issues may be properly presented to the Court.

6. Also, I am a sole practitioner and am actively involved in other litigation matters, including preparation of an answering brief on behalf of the defendants in another appeal pending before this Court, Case No. 18-55426. In addition, I am in the process this month of moving my offices of over twenty-two years.

7. On October 3, 2018, Francis Malofiy, Esq., counsel for plaintiff, appellant and appellee Michael Skidmore, advised me that he does not oppose Defendants' motion for a fourteen day extension of time to file a

petition for rehearing. He also advised me that he intends to file a motion for the same fourteen-day extension of time for Mr. Skidmore to file a petition for rehearing, and I confirmed to him that I will not oppose that extension.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 3, 2018 in Los Angeles County, California.

/s/ Peter J. Anderson
PETER J. ANDERSON

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing Motion with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF System on October 3, 2018.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system

Dated: October 3, 2018

/s/ Peter J. Anderson